

SENATE RECORD VOTE ANALYSIS

104th Congress
2nd Session

Vote No. 235

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Page S-8591 Temp. Record

AGRICULTURE APPROPRIATIONS/Peanut Program Conflict of Interest

SUBJECT: Agriculture, Rural Development, and Related Agencies Appropriations Bill for fiscal year 1997 . . . H.R. 3603. Cochran motion to table the Santorum amendment No. 4967.

ACTION: MOTION TO TABLE AGREED TO, 61-37

SYNOPSIS: As reported, H.R. 3603, the Agriculture, Rural Development, and Related Agencies Appropriations Bill for fiscal year 1997, will appropriate \$54.3 billion in new budget authority, 76 percent of which will be for mandatory spending programs and 76 percent of which will be for food welfare programs (both mandatory and discretionary).

The Santorum amendment would prohibit using funds from this Act to carry out a peanut program operated by an agricultural marketing association if the Secretary of Agriculture determined, using standards from the Ethics in Government Act that apply to Federal employees, that a member of the Board of Directors of the association had a conflict of interest with respect to the program.

Following debate, Senator Cochran moved to table the Santorum amendment. Generally, those favoring the motion to table opposed the amendment; those opposing the motion to table favored the amendment.

Those favoring the motion to table contended:

Agricultural marketing cooperatives and associations are involved in administering the peanut program. They are involved because the Department of Agriculture has determined that it is cheaper for the Federal Government to let them run the program. The marketing cooperatives and associations are closely supervised and extensively audited to avoid any conflict of interest problems. There is nothing unusual about involving farmers in farm programs. For instance, the Soil Conservation Agency has district commissioners who are elected to run various soil programs. Several years ago large groups of merchants bid for these positions to run the peanut program but they did not qualify. Our understanding now is that manufacturers are in the process of bringing a lawsuit on this issue. The largest law firm in Washington, D.C. is working on the case. The Department of Agriculture, due to this impending lawsuit, does not support the Santorum amendment. The issue appears to be headed to court. We should let the courts decide instead

(See other side)

YEAS (61)				NAYS (37)		NOT VOTING (2)	
Republican (29 or 57%)		Democrats (32 or 68%)		Republicans (22 or 43%)	Democrats (15 or 32%)	Republicans (2)	Democrats (0)
Ashcroft	Helms	Akaka	Harkin	Abraham	Biden	Kassebaum- ⁴	
Bennett	Hutchison	Baucus	Heflin	Brown	Boxer	Stevens- ²	
Bond	Inhofe	Bingaman	Hollings	Chafee	Bradley		
Burns	Jeffords	Breaux	Inouye	Coats	Feingold		
Campbell	Kempthorne	Bryan	Johnston	Cohen	Kennedy		
Cochran	Lott	Bumpers	Kerrey	D'Amato	Kerry		
Coverdell	Mack	Byrd	Leahy	DeWine	Kohl		
Craig	McConnell	Conrad	Moseley-Braun	Frist	Lautenberg		
Domenici	Murkowski	Daschle	Moynihan	Gorton	Levin		
Faircloth	Nickles	Dodd	Murray	Grams	Lieberman		
Frahm	Pressler	Dorgan	Nunn	Grassley	Mikulski		
Gramm	Shelby	Exon	Pell	Gregg	Reid		
Hatch	Simpson	Feinstein	Pryor	Kyl	Sarbanes		
Hatfield	Thurmond	Ford	Robb	Lugar	Wellstone		
	Warner	Glenn	Rockefeller	McCain	Wyden		
		Graham	Simon	Roth			
				Santorum			
				Smith			
				Snowe			
				Specter			
				Thomas			
				Thompson			

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

of complicating matters with this amendment. Certainly we do not support conflicts of interest, but neither do we think there are such conflicts of interest in this instance. We thus urge our colleagues to table the Santorum amendment.

Those opposing the motion to table contended:

We understand that a majority of our colleagues are not going to join us in getting rid of the peanut program. At a minimum, though, we hope that they will at least agree that this giveaway program should be operated in an ethical manner. The way the program currently operates, the Federal Government limits the amount of peanuts that may be produced for domestic human consumption in order to drive up the price of peanuts. It then gives quotas to select peanut farmers to grow that limited number of peanuts. The peanut price in America, as a result, is double the world market price. Farmers who are not lucky enough to get quotas are still allowed to grow peanuts, but they cannot sell them to Americans to eat. They can sell them for feed, or they can sell them overseas, but they will go to jail if they try to sell them for Americans to eat. Now, to us, this process sounds a lot more like it fits under a communist regime than under a capitalist, free-market system, but it gets worse. The Government does not run the program. Instead, it lets the farmers who get the quotas run the program. The Department of Agriculture does not let other commodity producers run its programs--cotton, soybean, and other producers do not control the programs that benefit them. Agency bureaucrats run their programs. Peanut growers, though, get to promulgate the regulations for the program and to punish people who violate those regulations. The peanut growers who dominate the agriculture organizations that run the program for the Government are not small producers; they are the few producers who control most of the quota peanuts in the United States. Perhaps if we did not have this arrangement of having the quota producers themselves running the program we would not have ended up with the current situation of a few obscenely wealthy peanut producers controlling most of the quota peanuts in America. We believe that there is an obvious conflict of interest, but our colleagues assure us that the program has been operated by peanut growers with the utmost probity. If our colleagues are correct, then they should have no reason for opposing the Santorum amendment. The amendment would not stop peanut growers from running the program that doubles the price they alone get for peanuts in America. The only condition that the Santorum amendment would impose is that the same ethical standards that currently apply to Department of Agriculture employees when they run a program would apply to any person who ran the program under contract. If the program is being operated in as ethical a manner as our colleagues claim, then this amendment will not have any effect. If it is not being operated in an ethical manner, then the amendment is clearly needed. Either way, Senators should approve the Santorum amendment.